

## **Model Water Efficient Landscape Ordinance – Updated 2015**

### **Comments from Scotts Miracle Gro, Marysville Ohio**

On behalf of Scotts Miracle Gro, a recognized leader in the outdoor and lawn and garden industry throughout the United States, I am pleased to provide the following comments to the proposed changes to the Model Water Efficient Landscape Ordinance (MWELo).

The purpose of the ordinance, of course, relates to the design, development and implementation of water efficient landscapes that *are “...essential to the quality of life in California...providing areas for active and passive recreation...and enhance the environment by cleaning air and water, preventing erosion, offering fire protection and replacing ecosystems lost to development.”*

Scotts Miracle Gro, certainly supports the intent of the ordinance, however, we are concerned by a number of the proposed changes that may, in fact, result in unintended consequences such:

1. Actual increases in water uses and inefficiencies
2. Decreased environmental benefits
3. Unmanageable administrative burdens relating to permit review and analysis of future developments.
4. Undue restriction of responsible consumer choice related to “at home” water conservation efforts.

Consumers, homeowners, property managers, caretakers, etc., are likely to achieve significant water savings via increased water conservation education, incentive and adoption of “water-smart” technologies and practices, without undue regulatory or statutory change.

Our recommendations include:

Section 490 (c)(1) should be expanded to include incentives and education related to the use of new technologies in both residential and non-residential developments that promote increased water movement and retention where soil compaction reduces water efficiencies. Increased adoption of such technologies, surfactants, soil amendments and other products and use-practices may yield substantial water savings.

Section 490(c)(2): Amend to include incentive or directive, as appropriate, to facilitate adoption of proven efficiencies in irrigation leading to increased use of recycling grass clippings, reductions in mowing/cutting frequencies.

This recommendation may also apply to Section 490(c) (4), which addresses water and air quality protection. Incentivizing use of more energy efficient and environmentally “friendly” power equipment, recommendation of decreased mowing frequencies, in

addition to discouraging bagging of clippings, is likely to result in water savings, enhanced quality protections and environmental benefit.

Provide increased education related to appropriate installation of drought tolerant, or water efficient grass varieties in both new residential or commercial development. Establish or develop online resources utilizing credible third party experts/authorities which may increase lawn/turf installations using *regionally appropriate* water efficient grass varieties.

Section 490.4(c)(3) fails to fully recognize the water efficiencies in lawn and turf, when regionally appropriate, water efficient (drought tolerant) varieties are utilized. Therefore, Scotts Miracle Gro recommends specific addition of “turf grasses,” in addition to “climate appropriate plants” to the directive, herein, related to the minimal use of reclaimed or recycled waters.

Section 492(6) (a) (1) (A) (2), related to Landscape Design, suggests that “local native” plants be selected for future development. Scotts Miracle Gro recommends, instead, that plant and grass selections be prioritized and incentivized based on drought tolerance capacities instead. Preferences for “local” selection may, in fact, result in water use inefficiencies compared to those plants with greater drought tolerance, or “water efficient” traits.

Section 492.6(a) (1) (C) reads “plants” should be selected based on their adaptability to the climactic, geologic topographical conditions...” Scotts Miracle Gro recommends that this section include, with equal specificity, “grasses or vegetation,” as a more comprehensive and inclusive directive. Narrow focus on “plants” erroneously suggests increased water use efficiencies may be achieved when compared to drought tolerant grasses or other vegetation.

Section 492.16 should also include directives that mandate use of permeable ground cover which allows water to move and collect below soil surfaces. Permeable ground covers should also be reviewed and certified that they pose no other adverse health or environmental condition or harm.

Section 492.16 (d) relating to rainwater retention should include incentive or directive resulting in the increased incorporation of turf grasses (Green Roof Systems) on building tops to increase water retention and alternate uses.

Section 492.17 (b) (1) relates to signage and model homes. This directive should be expanded to include identification of “drought tolerant” grasses, in addition to “native plants, gray water systems and rainwater catchment systems.” Again, “native plants” may also be a misleading directive when other vegetation may be more suitable. Scotts Miracle Gro recommends amending this reference, as well.

Section 492.4 Water Efficient Landscape Worksheet: Scotts Miracle Gro strongly recommends a re-evaluation of projected water allowances, as the limits suggested herein may, in fact, make it difficult if not impossible for many plants or grasses

(vegetation) to survive. Rather, the intent of this section is best served by increasing public education related to adequate and appropriate variety selection (drought tolerance) and water use/application. At a minimum, existing limits should be maintained, coupled with more strategic and effective education and incentive to voluntarily limit water use and application.

Section 492.6 proposes to limit use of grass and turf in landscape, and in addition it suggests limiting the use of grass and turf on slopes exceeding twenty five percent (25%). Prior study affirms the benefits of established turf and vegetation root systems as an effective tool to prevent landslides, and mitigate soil erosion. Scotts Miracle Gro recommends removing this proposed restriction.

Sections 492.6(a) (1) (E) and (F) propose prohibitions on the use of turf-grass in street medians and narrow (ten feet or less) parkways. Studies have repeatedly demonstrated the environmental benefit of grasses in these locations. Cooler air temperatures are certainly a benefit to reduced water evaporation and waste – in addition to providing other unrelated safety benefits grass provides in medians or parkways.

Section 492.13(a) again proposes to establish an unrealistic level of acceptable water use - both for residential and non-residential areas. Allowances of 0.85 and 0.92 make it unlikely that any vegetation can survive, meaning – at proposed levels – the water used is inevitably wasted, anyway. The existing (current) irrigation efficiency rate is sufficient, coupled with focus on drought tolerant vegetation and better public education and enforcement related to minimally effective water usage.

#### General Summary:

Scotts Miracle Gro wishes to express its support for the overall intent of these proposed changes to the MWELO, and we collectively recognize the importance of maximizing the use and efficiency of every drop of water used in the environment, particularly in residential and non-residential landscapes. However, as mentioned herein, the specific recommendations merit further review and analysis.

Scotts Miracle Gro believes it is paramount that future policy, ordinances, regulations and statutes reflect a more holistic approach to water conservation. A one-size fits all framework, absent consumer education, adoption of “water smart” technologies, practices and use of drought tolerant grasses and vegetation is likely to create unexpected inefficiencies and water waste. It further limits consumer choice, resulting in unnecessary limitations and incentive to employ ever more efficient and important tools, behaviors and best practices that are necessary to ensure Californians have access to water, and are yet still able to enjoy the human and environmental benefits of grass and green spaces that the ordinance itself is designed to support.

We recommend limiting strict water use limitation to periods of extreme or extraordinary drought. Consumers should be provided adequate freedoms and latitudes to responsibly manage their residential and non-residential landscapes, provided the larger ordinance framework allows them to achieve the necessary savings, be it 5% or 35% of current uses.

As such – any mandatory limitation on lawn sizes (25%) in new developments fails to recognize that appropriate use of drought tolerant or regional appropriate grass and turf varieties, coupled with improved water use technologies and consumer education may easily allow consumers to achieve dramatic savings, while installing more appropriate grass varieties that exceed the 25% landscape limitation. Again, a one size fits all plan may result in unwanted and unintended consequences for the homeowner, caretaker, etc., and the environment itself – ranging from unrecognized water savings, in efficiencies and lessened property values.

A baseline assumption that grasses and turf are a singular cause of inefficient water use, or waste, may lead to a more frightening outcome in which little or no grasses are employed in future developments, leading to potentially extended droughts, reduced efficiency in capturing water, reducing evaporation, increased ambient air temperature, lowered air quality, more unstable land/soil, etc.,

Grasses and turf are, in fact, often mis-managed and over-watered. Increased public education and incentive to follow proven best practices, coupled with appropriate selection of drought tolerant varieties, may easily lead to significant water savings, without sacrifice of the natural beauty and aesthetic that defines California.

Research under way suggests certain grasses – including zosia and blue grass varieties – may be capable of surviving in severe water-challenged environments, coupled with reductions in needed fertilizer application.

Scotts Miracle Gro strongly urges the state to explore the findings and analysis of other third party sources which may add tremendous value to this overall plan and discussion.

We, and other organizations such as Turf Producers International, are eager to facilitate this discussion and support the state's water conservation efforts, if needed.